

BILL NO. 43-2008

AN ORDINANCE

AMENDING CHAPTER 11 HOUSING - RENTAL OF
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11 entitled Housing - Rental is amended as follows:

SECTION 11-102 DEFINITIONS is hereby amended to added the following terms and definition:

STUDENT - An individual who is enrolled or has made application and been accepted at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall apply to both undergraduate and graduate students alike. The residents of a student home share living expenses and may live and cook as a single housekeeping unit but may also only share access to cooking facilities and not live and cook as a single housekeeping unit.

STUDENT HOME - A living arrangement for at least two (2) students to a maximum of three students (3) (as defined in this chapter) unrelated by blood, marriage or legal adoption. The term Student Home shall not include dormitories, fraternity house or sorority house. The term Student Home shall be used interchangeable with the term Student Housing.

STUDENT HOUSING - See Student Home.

Section 104 Application for Permit Subsection 14 (§11-104(14)) of the Codified Ordinances is hereby deleted. The remaining subsections of Section 104 are renumbered accordingly, 11-104(15) is now 11-104(14), 11-104(16) is now 11-104(15) and 11-104(17) is now 11-104(16).

SECTION 11-118 TENANT INFORMATION is hereby amended so that Paragraph 1 of said Section shall read in its entirety as follows:

In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a Rental Permit, the owner or the local responsible agent shall on or before March 1

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 25th day of Aug A. D. 2008. Witness my hand and seal of the said City this 25th day of Aug A. D. 2008.

CITY CLERK

and August 1 of each year shall provide to the City of Reading Codes Enforcement Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which they are required to have a Rental Permit the full name, unit, floor or apartment number / designation and term of lease, date of entry and anticipated departure date. *Landlord shall further indicate on said form if the dwelling unit or rooming unit is Student Housing and if said tenants are Students.*

Section 124 Disruptive Conduct Subsection C Eviction (§11-124(C)) is amended to read in its entirety as follows:

After ~~three (3)~~ two (2) disruptive conduct incidents in any 12-month period by an the occupant documented by disruptive conduct reports, the owner or local responsible agent shall have ten (10) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. *The owner or local responsible agent shall diligently pursue the eviction of the occupants as required herein. Diligent pursuit of the eviction of said occupants shall include but not be limited to prosecution of the eviction proceeding, participation with follow through any appeal and obtain possession of the property.* This paragraph is not intended to limit or inhibit the owner or local responsible agent's right to initiate eviction actions prior to the second disruptive conduct incident.

Section 124 Disruptive Conduct Subsection G Report Against All Occupants (§11-124(G)) shall be amended to read in its entirety as follows:

The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. *More than one disruptive conduct report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding paragraph.*

Section 124 Disruptive Conduct Subsection (H) Maintenance of List of Evicted Occupants (§11-124(H)) shall be renamed and amended to read in its entirety as follows:

**H. MAINTENANCE OF LIST OF DISRUPTIVE CONDUCT
REPORT TENANTS AND OCCUPANTS AND EVICTED
OCCUPANTS**

The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Ordinance. The Codes Enforcement Division shall also maintain a list of all occupants and tenants evicted as a result of this Ordinance. The names shall remain on the list for a period of five (5) years.

Section 125 Housing Board of Appeals Subsection (A) Appeals (§11-125(A)) shall be amended to read in its entirety as follows:

Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a Rental Permit, may appeal to the Housing Board of Appeals. Such appeal must be filed, in writing *with the Manager of the Codes Enforcement Division*, with the appropriate filing fee within ten (10) working days from the date of receipt of the disruptive conduct report or notice of revocation.

Section 125 Housing Board of Appeals Subsection (C) Powers (§11-125(C)) is hereby amended to add a new paragraph 6 to read as follows and renumber the existing paragraph 6 to paragraph 7:

6. OATHS AND SUBPOENAS.

The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

Section 125 Housing Board of Appeals Subsection (E) Affect of Appeals (§11-125(E)) shall be amended to read in its entirety as follows:

E. AFFECT OF APPEALS

Any decision or order issued under, per and in accord with this Chapter shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals ~~or an appeal of a~~

decision thereof to the Court of Common Pleas of Berks County. Said abeyance shall include but not be limited to revocation, suspension, denial or nonrenewal of a Rental Permit until the appeal is resolved. An appeal of the ~~third~~ two disruptive conduct report within a twelve (12) month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the ~~third~~ *second* disruptive conduct report.

Section 125 Housing Board of Appeals Subsection (F) Enforcement Upon Resolution of Appeal of Housing Board (§11-125(F)) shall be amended to read in its entirety as follows:

F. ENFORCEMENT UPON RESOLUTION OF APPEAL OF HOUSING BOARD

If this appeal is of a ~~third~~-second disruptive conduct report and the decision of the police officer or public officer has been affirmed, and ~~no~~ ~~appeal is pending~~, within ten (10) working days ~~after the expiration of the time for filing an appeal has expired~~ and time for compliance as required by the decision of the Housing Board of Appeals ~~or Court of Common Pleas~~, the public officer shall reinspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.

If, when so required by a third disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, ~~and there is no appeal pending, the time for filing an appeal~~ and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the rental permit per the provisions set forth in this Chapter.

Section 125 Housing Board of Appeals Subsection (G) Fee (§11-125(G)) shall be renamed and amended to read in its entirety as follows:

G. FEE AND COSTS

The fee for filing of an Appeal to the Housing Board of Appeals shall be \$75. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. *In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.*

Section 126 Appeal to Court of Common Pleas (§11-126) shall be amended to read in its entirety as follows:

§11-126 APPEAL TO COURT OF COMMON PLEAS

Any person, including the police officer or public officer for the City, aggrieved by any decision of the *Housing Board of Appeals*, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. Said petition shall be filed with the Court of Common Pleas *within thirty (30) days after service of the decision. Notice of the appeal shall be served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, at the time of its filing. An appeal to the Court of Common Pleas of a decision of the Housing Board of Appeals shall not hold automatically stay enforcement of the Board's decision.*

SECTION 2: *All references to three or third disruptive conduct report(s) throughout the Ordinance shall be amended to refer to second disruptive conduct report.*

SECTION 3: *Part 2 Landlord Tenant Reports all parts thereunder including but not limited to Section 11-201 of the Housing Ordinance, particularly that existing prior to adoption of the current Housing-Rental Ordinance in July 2007 is deleted and removed from the Housing-Rental Ordinance and permitting processing. In lieu of said provision information received by the Codes Office on the Tenant Listing required herein shall be available to the Tax Office upon their request.*

SECTION 4: *Part 3 Waiver of Fees all parts thereunder including but not limited to Section 11-301 of the Housing Ordinance, particularly that existing prior to adoption of the current Housing-Rental Ordinance in July 2007 is renumbered to Part 2 Waiver of Fees and Section 11-201. Said amended which provide for addition and/or renumbering of this section so that it now reads as follows:*

PART 2
WAIVER OF FEES

§11-201. Waiver of Fees.

1. Certain nonprofit agencies are unique in the City because they:
 - A. Provide owner occupied housing.
 - B. Create taxable projects.
 - C. Offer 0% mortgage to the homeowner of a project.
 - D. Have an all-volunteer labor pool.
 - E. Create homeownership opportunities for low income families who perform sweat equity on the rehabilitation or construction of their homes.
2. The fees payable to the City for the rehabilitation or construction of single family residences in Reading, by organizations meeting the above criteria be waived and that the said waiver shall not pertain to City, County or School taxes which may become due and payable on these properties during or subsequent to the construction period.
3. Request for waiving the fees shall be submitted to and approved by the City prior to commencing the project(s).

SECTION 5: All relevant ordinances, regulations, remaining sections of Chapter 11 Housing - Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 6: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 7: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted August 25, 2008

Paul Sparker
Council President

Attest:

John G. Gail
City Clerk

(LAW)

Submitted to Mayor: PL

Date: 8/26/08

Received by the Mayor's Office: MS

Date: 9-3-08

Approved by Mayor: 9/3/08

Date: 9/3/08

Vetoed by Mayor: _____

Date: _____